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From: Gordon Lum [GLum@bakercommodities.com]  
Sent: Tuesday, July 20, 2004 9:03 PM  
To: fdadocket@oc.fda.gov  
Cc: Jim M. Andreoli; Dennis Luckey  
Subject: Request for Extension

Gentlemen:

Attached please find our letter requesting an extension to the comment period for the Advanced Notice of Proposed Rulemaking Docket # 2004N-0264.

We would greatly appreciate your consideration of the request and if you have any questions, please do not hesitate to call us.

<<EXTENSION REQUEST-FDA.doc>>

Thank you,

Gordon Lum  
Division Manager

04N-0264

EXT15

July 20, 2004

Division of Dockets Management  
(HFA-305)  
Food and Drug Administration  
5630 Fishers Lane, Room 1061  
Rockville, MD 20852

**VIA ELECTRONIC MAIL**

**REQUEST FOR EXTENSION OF COMMENT PERIOD**

**Docket No. 2004N-0264**

Baker Commodities Inc. respectfully submits this request that the Commissioner of Food and Drugs extend the comment period in the above matter for an additional 60 days.

A. Decision involved

The Food and Drug Administration (FDA) has announced that it will publish an advance notice of proposed rulemaking (ANPRM) on possible changes to its feed regulation (21 C.F.R. § 589.2000) and other additional measures being considered to mitigate the risk of bovine spongiform encephalopathy (BSE). 69 Fed. Reg. 42288 (July 14, 2004).

B. Action requested

Baker Commodities Inc., Island Commodities Division requests that FDA extend the comment period on this ANPRM from 30 days to 90 days.

We request that FDA give expedited consideration to this Request for Extension of Comment Period.

Baker Commodities Inc., Island Commodities Division urges FDA not to publish a proposed rule banning SRMs from animal feed until the agency has reviewed and considered the comments on this ANPRM relevant to an SRM ban.

C. Statement of grounds

The changes being considered to FDA's feed rule are extremely complex and if enacted will have a severely detrimental financial impact on our company and industry as well as limit our ability to provide continued employment to those who have worked so hard to provide the necessary services and products that our customers have come to expect. Located on the island of Oahu, Hawaii, we do not have access to the markets our mainland counterparts have and current restrictions already limit our finished product

sales. The proposed feed rule changes may force our company to landfill our raw and finished material and if that happens, there would be no economic sense to remain in business. FDA states that it needs to receive comments as soon as possible so that it can publish a proposed rule to ban SRMs in all animal feed. This is a serious matter that will require significant time and resources to properly comment on the 25 questions pertaining to the feed rule that potentially will change our industry and other related industries. Baker Commodities Inc., Island Commodities Division believes that such a short comment period is insufficient to provide for an adequate response to questions with such complexity that will have such far-reaching impacts on our industry and the industries we serve. It is our position that in order to properly respond to these questions, it is imperative that additional time be allowed for Baker Commodities Inc., Island Commodities Division to submit comments and accurate data for FDA's review.

For these reasons Baker Commodities Inc., Island Commodities Division urges FDA to allow a 90-day comment period for the ANPRM.

Thank you for consideration of this request.

Sincerely,

Baker Commodities Inc.  
Island Commodities Division

Gordon Lum  
Division Manager